

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC., a Delaware corporation,  
Plaintiff,

v.

JOSHUA FISHER, JACOB W. MAHURON  
A/K/A “PRAGMATICTAX,” MATTHEW  
ABBOTT A/K/A “NOVA,” JOSE  
DEJESUS AKA “DAVID HASTINGS”  
A/K/A “J3STER,” TRAVERS RUTTEN  
A/K/A “TRAVERS7134,” JESSE  
WATSON A/K/A “JESSEWATSON3944,”  
JOHN DOE NO. 1 A/K/A “CALC”,  
ANDREW THORPE A/K/A “CYPHER,”  
RYAN POWER AKA “KHALEESI,” JOHN  
DOE NO. 4 A/K/A “GOD,” JOHN DOE  
NO. 5 A/K/A “C52YOU,” JOHN DOE NO.  
6 A/K/A “LELABOWERS74,” JOHN DOE  
NO. 7 A/K/A “FRAMEWORK,” KICHING  
KANG A/K/A “SEQUEL,” JOHN DOE  
NO. 9 A/K/A “1NVITUS,” DAVID  
BRINLEE A/K/A “SINISTER,” JOHN DOE  
NO. 11 A/K/A “THEGUY,” JOHN DOE  
NO. 12 A/K/A “BEATRED,” JOHN DOE  
NO. 13 A/K/A “COMMUNITYMODS,”  
JOHN DOE NO. 14 A/K/A “PALACE,”  
JOHN DOE NO. 15 A/K/A  
“VINCENTPRICE,” JOHN DOE NO. 16  
A/K/A “ESSWAN,” JOHN DOE NO.  
17A/K/A “ADMIRAL,” JOHN DOE NO. 18  
A/K/A “TOMDICKHARRY,” JOHN DOE  
NO. 19 A/K/A “ROB,” JOHN DOE NO. 20  
A/K/A “STAYLOCKED,” JOHN DOE NO.  
21 A/K/A “FIVE-STAR,” JOHN DOE NO.  
22 A/K/A “HORROR,” JOHN DOE NO. 23  
A/K/A ELITECHEATZ.CO, JOHN DOE  
NO. 24 A/K/A MIHAI LUCIAN, JOHN

Case No. 2:23-cv-01143-MLP

DECLARATION OF DYLAN SCHMEYER  
IN SUPPORT OF PLAINTIFF’S *EX PARTE*  
FIFTH MOTION FOR AN EXTENSION OF  
THE SERVICE DEADLINE UNDER  
RULE 4(m)

NOTE ON MOTION CALENDAR:  
November 15, 2024

DOE NO. 25 A/K/A NATHAN BERNARD,  
A/K/A “DOVE,” JOHN DOE NO. 26  
A/K/A “BLACKMAMBA,” JOHN DOE  
NO. 27 A/K/A “BILLNYE,” JOHN DOE  
NO. 28 A/K/A “BANEK192,” JOHN DOE  
NO. 29 A/K/A SHOPPY ECOMMERCE  
LTD, JOHN DOE NO. 30 A/K/A/ FINN  
GRIMPE A/K/A “FINNDEV,” AND JOHN  
DOES NO. 31-50,  
  
Defendants.

I, Dylan Schmeyer, declare and state as follows:

1. I am an attorney with Kamerman, Uncyk, Soniker & Klein, P.C., counsel to Plaintiff Bungie, Inc. in this action. I make this declaration based on my personal knowledge of the facts herein, and could and would testify to them competently if necessary.

2. The Unidentified Defendants in this case have taken steps to obfuscate their identities and contact information, employing multiple pseudonyms across multiple platforms.

3. Defendants are actively attempting to cover their tracks, but Bungie has made great strides in identifying them, amending its complaint to reflect what it has learned and continuing to pursue the information necessary to serve, either conventionally, or, if necessary, through alternative service, every Defendant it is identifying.

4. Bungie has diligently pursued discovery and other investigative efforts in this action in order to identify, name, and serve the Unidentified Defendants. Bungie sought leave of the Court to send its final round of third-party subpoenas, *see* Dkt. 58, has sent them, and expects those productions – which it is working to secure, as described more below – to lead to the identification of more Defendants.

5. Bungie has issued 30 subpoenas in total to various third parties pursuant to the Court’s Orders, *see* Dkts. 27, 51, and 67, to obtain the necessary information to complete its investigation and identification of the Defendants – 18 in the first wave, six in the second wave, and six in the third wave.

6. Bungie sent a Rule 4 waiver request with the Amended Complaint to every Defendant it has identified to date (including those who received such requests for the original

complaint). Those identified Defendants include the following: Joshua Fisher; Jacob W. Mahuron a/k/a “Pragmatictax”; Matthew Abbott a/k/a “Nova”; Jose DeJesus a/k/a “David Hastings” a/k/a “J3ster”; Travers Rutten a/k/a “Travers7134”; Jesse Watson a/k/a “Jessewatson3944”; Andrew Thorpe a/k/a “Cypher”; Ryan Power a/k/a “Khaleesi”; Kiching Kang a/k/a “Sequel”; David Brinlee a/k/a “Sinister”; John Doe No. 12 a/k/a “Beatred” a/k/a “Cicero A. Loureiro”; John Doe No. 14 a/k/a “Palace” a/k/a “Robert S. Herrity”; John Doe No. 16 a/k/a “Esswan” a/k/a “Sabeen Rehman Soomro”; John Doe No. 21 a/k/a “Five-Star” a/k/a “Taylor Knetter”; John Doe No. 30 a/k/a Finn Grimpe a/k/a “Finndev”; and John Doe No. 25 a/k/a “Nathan Bernard” a/k/a “Dove.” It has only received a single favorable response, two rather aggressively negative ones, and silence from the rest. It will move forward with service of those who have either not responded, or who have responded negatively, once its alternative service needs are fully ascertained and it has sought leave of the Court to do so.

7. Bungie afforded all Defendants served with Rule 4 waiver requests 60 days to respond. This deadline lapsed on November 12, 2024. Therefore, Bungie begun executing service on the U.S. Defendants and will file proofs of service as soon as it receives them. The Defendants in this group include: Taylor Knetter (John Doe No. 21 a/k/a “Five-Star”); Jose M. DeJesus; and David Brinlee. When a summons is issued for Nathan Bernard (John Doe No. 25), *see* Dkt. 71, and if his Rule 4 waiver deadline expires, he will also be served.

8. Bungie has also identified the location and contact information of Finn Grimpe (John Doe No. 30), sent them a Rule 4 waiver request, and requested a summons for them, *see* Dkt. 72.

9. Bungie also has successfully served three Defendants and is currently in discussions with them regarding a possible resolution with respect to them.

10. Bungie anticipates that within a matter of days, all but one U.S. Defendant will be served, and the spare has been sent a Rule 4 waiver request. Any other remaining U.S. Defendants in this case are insufficiently identified for either step.

11. Bungie intends to seek alternative service of those Defendants it cannot serve by

1 traditional means, but requires the productions sought in its final third-party discovery served in  
2 accordance with the Court's last discovery order, *see* Dkt. 68, to finalize the list of Defendants  
3 for whom alternative service will be necessary.

4 12. However, Bungie has, once again, encountered late production returns from  
5 subpoenaed third parties. In Bungie's experience, this is to be expected, given the size of these  
6 companies and the volume of requests they receive, and given the time of year. Similarly, where  
7 some third parties have allegedly required additional information to comply with the subpoenas,  
8 Bungies has worked with them to find a creative solution that results in production without the  
9 need for costly and time-consuming motion practice. It has opted to work with them and attempt  
10 to resolve any issues, as opposed to wasting Court resources moving to compel productions that  
11 Bungie ultimately expects to receive as it works with these third parties.

12 13. For example, Charter Communications requires specific additional identifiers  
13 beyond the public IP address Bungie has secured in order to utilize its internal systems to  
14 identify the defendant in question. These specific identifiers were not produced to Bungie in the  
15 third-party production which yielded the IP address and Bungie is thus having to work with  
16 Charter to structure a unique query that locates the relevant data. This is in progress, but is taking  
17 time.

18 14. All of these moving pieces have conspired to force us to ask for another extension  
19 of the Rule 4(m) deadline for service, as our alternative service needs, and therefore our motion  
20 for them, cannot be finalized until we have received and analyzed the final subpoena  
21 productions, thereby making our final identifications and exhausting our final remaining leads.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is  
23 true and correct to the best of my knowledge.

24 Executed this 15th day of November, 2024, at Thornton, Colorado.

25  
26 s/ Dylan Schmeyer  
27 DYLAN SCHMEYER